

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DAVID EARL MILLER)	
NICHOLAS TODD SUTTON)	
STEPHEN MICHAEL WEST)	No. 3:18-cv-1234
TERRY LYNN KING)	
)	Judge Campbell
Plaintiffs)	
)	Death Penalty Case
v.)	<i>Execution date Dec. 6, 2018</i>
)	<i>for David Miller</i>
TONY PARKER, Commissioner,)	
Tennessee Department of Correction,)	
in his official capacity,)	
)	
and)	
)	
TONY MAYS, Warden,)	
Riverbend Maximum Security)	
Institution, in his official capacity,)	
)	
Defendants.)	

**MOTION FOR RECONSIDERATION OF ORDER ON MOTION FOR
TEMPORARY RESTRAINING ORDER
(AFTER NOTICE) AND/OR PRELIMINARY INJUNCTION**

COMES NOW Plaintiff David Earl Miller in the above matter and, pursuant to Local Rule 7.01, moves this Court to reconsider its order dated November 15, 2018, that denies an injunction of Defendants, their agents, and assigns from presenting Plaintiff Miller with the “Affidavit Concerning Method of Execution” (or “method of execution form”) contained in Tennessee’s July 5, 2018 Lethal Injection Protocol and from carrying out the execution of Plaintiff Miller presently set for the 6th day of December, 2018, until such time as a final order has been entered herein.

Reasons supporting this motion are set forth in a contemporaneously filed memorandum.

Respectfully submitted,

FEDERAL DEFENDER SERVICES
OF EASTERN TENNESSEE, INC.

BY: s/Stephen M. Kissinger
Stephen M. Kissinger, BPR#037082
Asst. Federal Community Defender
800 S. Gay Street, Suite 2400
Knoxville, TN 37929
Phone: (865) 637-7979
Facsimile: (865) 637-7999
Stephen_Kissinger@fd.org

CERTIFICATE OF SERVICE

I hereby certify that on November 19, 2018, this Motion to Reconsider Order on Motion for Temporary Restraining Order (After Notice) and/or Preliminary Injunction was filed electronically via the Court's electronic filing system upon the following person. Parties may access this filing through the Court's electronic filing system.

Scott C. Sutherland
Assistant Attorney General
Law Enforcement Division
P.O. Box 20207
Nashville, TN 37202
(615) 741-2164
Scott.Sutherland@ag.tn.gov

Jennifer L. Smith
Tennessee Attorney General's Office
P. O. Box 20207
Nashville, TN 37202
(615) 741-3491
Email: jennifer.smith@ag.tn.gov

Robert W. Mitchell
Tennessee Attorney General's Office
P. O. Box 20207
Nashville, TN 37202-0207
(615) 741-3491
Fax: (615) 532-6023
Email: robert.mitchell@ag.tn.gov

s/Stephen M. Kissinger
Stephen M. Kissinger